

**REMARKS/ARGUMENTS**

Claims 1 and 3-19 are present in this application. By this Amendment, claims 1, 3, 4 and 8-19 have been amended, and claim 2 has been canceled. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claims 1-11 and 16-19 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 2,962,156 to Adams. This rejection is respectfully traversed.

It is well settled that anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. See, for example, *W.L. Gore & Assocs. v. Garlock, Inc.*, 220 USPQ 303, 313 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Claim 1 defines a jewelry display assembly including a pair of sidewalls disposed spaced from each other in facing relation, and a plurality of jewelry bars fixed to and extending between the sidewalls. With reference to Fig. 2, claim 1 additionally recites that the jewelry bars are spaced from one another and disposed about each periphery of the sidewalls such that an opposite side jewelry bar is visible *through* the assembly. In this manner, if the display assembly is utilized in a wall-mounted display case, persons admiring the displayed jewelry items can readily see stones, colors, etc. of more of jewelry items than with a display unit such as that disclosed in the Adams patent without spacing between its jewelry mounting portions. Additionally, in a jewelry case, by enabling the user to see between the jewelry bars by virtue of the bars being spaced from one another, it is made easier for the user to locate the desired pieces.

The Adams patent, in contrast, defines a rotatable drum 10 including resilient cushion sections 14 compressed against each other to receive the shank of a ring 13 or the like. The resilient pads 14 are pressed tightly against each other in order to provide a securing pocket 12 that frictionally secures the jewelry. These “bars” as characterized in the Office Action are not

spaced about each periphery of the “sidewalls” 19 such that an opposite side jewelry bar is viewable through the assembly. The Adams drum thus does not benefit from the spaced jewelry bars enabling a better view of the supported pieces.

Applicant thus respectfully submits that the rejection is misplaced.

With regard to dependent claims 3-6, Applicant submits that these claims are allowable at least by virtue of their dependency on an allowable independent claim. Additionally, claim 5 recites that the supporting means comprises a plurality of apertures that are sized to receive earring posts. The Office Action characterizes the pocket 12 in Adams as an “aperture.” This “aperture” however is defined by the facing cushions 14, which is distinguishable from the spaced jewelry bars as claimed. For this reason also, Applicant submits that the rejection of claim 5 is misplaced. Still further, claim 6 defines a handle assembly secured to one of the sidewalls and over the supporting axle. In this context, the Office Action references 11a and 22 in Adams. Numeral 11a in Adams references nuts for detachably mounting the drum on the uprights 22. The uprights 22 are similarly unable to effect manual rotation of the axle. For this reason also, Applicant submits that the rejection of claim 6 is misplaced.

Claim 7 defines a jewelry display case including a cabinet and a plurality of jewelry supporting components. One of the jewelry supporting components is a jewelry display assembly that includes a pair of sidewalls disposed spaced from each other in facing relation, at least one jewelry bar fixed to and extending between the sidewalls, and a supporting axle extending through a center of each of the sidewalls. Claim 7 recites that the supporting axle is fixed to one of the cabinet sides. See, for example, Figs. 1 and 2. In contrast, the drum 10 in the Adams patent includes an axle 11 that is mounted between a pair of uprights 22 secured to the jewel case lid 6. Applicant thus submits that Adams lacks the claimed supporting axle being

fixed to one of the cabinet sides. As noted above, since anticipation requires that each and every feature of the claimed invention be disclosed in a single prior art reference, Applicant submits that the rejection of claim 7 is misplaced. With respect to dependent claims 8-11 and 16-19, Applicant submits that these claims are allowable at least by virtue of their dependency on an allowable independent claim.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 7-11 and 14-19 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. D305,479 to Williams in view of Adams. This rejection is respectfully traversed.

The Office Action recognizes that Williams lacks a jewelry supporting component that includes a supporting axle between sidewalls of a jewelry display assembly. The Office Action contends that it would have been obvious "to modify the case of Williams so as to incorporate a rotatable display drum as taught by Adams . . . ." As noted above, however, the rotatable drum in the Adams patent does not include a supporting axle that is fixed to one of the cabinet sides. Rather, the axle 11 in the Adams patent is supported by a pair of uprights 22. Applicant thus submits that the proposed combination falls short of the claimed invention, and for at least this reason, Applicant submits that the rejection is misplaced.

Additionally, Applicant submits that it would not have been obvious to modify the Adams drum 10 to affix its supporting axle to one of the cabinet sides. With reference to the Adams patent, its drum 10 is mounted on the jewel case lid 6. In order to permit the lid 6 to close properly, the uprights 22 are mounted inside a width of the lid so as to fall between the sides of the jewel case body 5. Adams thus teaches away from any modification that would attach its drum axle to one of the cabinet sides.

SIMMONS  
Appl. No. 10/642,605  
February 17, 2006

With regard to dependent claims 8-11 and 14-19, Applicant submits that these claims are allowable at least by virtue of their dependency on an allowable independent claim.

Reconsideration and withdrawal of the rejection are respectfully requested.

Applicant acknowledges with appreciation the indication of allowable subject matter in claims 12 and 13. By this Amendment, claim 12 has been rewritten substantially in independent form.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: 

Alan M. Kagen  
Reg. No. 36,178

AMK:jls  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100